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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,400

07/23/2003

Timothy Reed Brooks

1122

9089

7590

12/14/2004

Law Offices of John D. Gugliotta, PE, Esq.
202 Delaware Building
137 South Main Street
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EXAMINER

CARIASO, ALAN B

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,400

Applicant(s)

BROOKS, TIMOTHY REED

Examiner

Alan Cariaso

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-8 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030723.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the switch positioned on a rear handle (claim 4) and on a lateral side of said engine housing (claim 5) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1 and 8 are objected to because of the following informalities:
3. Claim 1, line 2, the term "therefore" does not appear to be correct in the context of the phrase.
4. Claim 8, lines 2-3, the phrase "said shell pivotal laterally and longitudinally ..." is missing a verb.
5. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over CASAS (US 2002/0054491) in view of CAMERON (US 2,525,588).
8. CASAS discloses a chainsaw with an engine, an engine housing (4, fig.2), a bar and chain cutting area outwardly projected (fig.2), illumination means (6) mounted on top of the housing in the front area of said engine housing and aimed at said bar and chain cutting area (fig.3); wherein said illumination means (6) is integrally mounted and externally mount to the engine housing.

9. However, CASAS does not disclose: mounting of the illumination means on a front of said engine housing; a switch actuating/terminating illumination in on/off positions; said switch positioned on a rear handle.

10. CAMERON teaches mounting an illumination means (15,21-24) on a front of a motor cover plate (14) of housing (11) for the purpose of mounting the lighting device integral to the drill device so as to light the drill point and working area. CAMERON further teaches a switch (13,32,39) on a rear handle (12) for at least selectively activating and deactivating the light device (15,21-24) by hand while handling the tool device.

11. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tool lighting device equivalently mounted to a chainsaw and drill tool device of CASAS to include the type of front mounting and switch as taught by CAMERON in order to illuminate the tool and working area while actuate and de-actuate the lighting device by hand while handling the tool.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over CASAS (US 2002/0054491) in view of CAMERON (US 2,525,588) as applied to claims 1, 2, 4, 6 and 7 above, and further in view of LIU (US 6,168,287).

13. CASAS discloses the claimed invention except said switch being positioned on lateral side of said engine housing. LIU teaches a switch (30,300) positioned on a lateral side of a tool motor housing (14) for the purpose of actuating and de-actuating the frontal lighting device at a convenient place by hand.

14. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tool lighting device equivalently mounted to a chainsaw and drill tool device of CASAS to include the type of lateral positioned switch as taught by LIU in order to actuate and de-actuate the lighting device by hand on a easy to reach place and at least separately from the operation of the tool.

15. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over CASAS (US 2002/0054491) in view of CAMERON (US 2,525,588) as applied to claims 1, 2, 4, 6 and 7 above, and further in view of MUSACCHIA, Jr. (US 2002/0069542).

16. CASAS discloses the claimed invention except the illumination means being housed in a pivotal shell, the shell being pivotal laterally and longitudinally. MUSACCHIA teaches a light source device (10,30,32) that includes a pivotal housing (52) with adjustment mechanism (50) for the purpose of releasably securing the light source device to the chainsaw and mark variable desired length cuts of log sections. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the chainsaw lighting device of CASAS to include the type of pivotal housing as taught by MUSACCHIA, Jr. in order to releasably secure the light device to the chainsaw device and marking the variable desired length cuts of log sections while being portable with the chainsaw device.

Allowable Subject Matter

17. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. SMITH (US 4,833,782) shows an illuminated tool saw device that includes a lighting device mounted on the front of the tool housing, plural switch locations, and universal pivotal ability of the light socket/reflector. RISCH (US 6,295,738) shows and describes a lighting device (14, fig.1) mounted to a motor housing of a chainsaw, an on/off switch (23) of the lighting device (14) mounted to the motor housing (col.2, lines 42-63), and a lighting device (41, fig.4) mounted to a handle of the chainsaw. SCHURR (US 4,753,012) shows a lamp device (69, fig.8) integrally mounted on the engine-motor housing (1e). MATSUNAGA shows lighting device (4) mounted on a front of a motor housing of a drill tool. SAKO et al (US 6,616,295) show a lighting device or lamp (4,5,7) adjustably mounted to a handle saw device by means of flexible support (3) and mount (2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso
Primary Examiner
Art Unit 2875

AC
December 8, 2004